

PUBLIC SCOPING MEETING

U.S. Immigration & Naturalization Service

and

Joint Task Force Six

Supplemental Programmatic Environmental Impact Statement

(PEIS)

Fall 1998

El Centro, California

Reported by:

CALABRO REPORTING SERVICES, L.L.C.

Certified Court Reporters

549 North Sixth Avenue

Tucson, Arizona 85705-8371

520.798.1808 800.538.6692

Fax: 520.620.0660

1 PROCEEDINGS

2

3 RON RUFFENACH: Good evening.

4 Given that we have a small audience, we're going
5 to do the abbreviated version of tonight's presentation.

6 My name is Ron Ruffenach and I will be
7 facilitating this evening's meeting.

8 This is a public scoping meeting on the draft
9 Programmatic Environmental Impact Statement, or PEIS, for
10 Joint Task Force Six and the Immigration and Naturalization
11 Service missions primarily along the southwest border. The
12 presentations that we have for this evening are from JTF-6
13 and from INS, and then someone will also go over the NEPA
14 process related to the development of the Programmatic EIS.

15 Before we do those presentations, it's my pleasure
16 to introduce Tom Dietzman, who is the Assistant Chief of the
17 El Paso Sector -- excuse me, El Centro Sector Border Patrol.

18 TOM DIETZMAN: Thank you.

19 It's nice to see all of you here tonight. There's
20 not a lot of faces that I do recognize.

21 My name is Tom Dietzman. I am an Assistant Chief
22 here with the Border Patrol sector in El Centro. And I was
23 asked to come down and say a few words, and then I was just
24 recently asked to say fewer words.

25 So welcome. I know all of you are from this area,

1 apparently; at least people who didn't just travel in for
2 the meeting.

3 The Border Patrol in El Centro has been here for a
4 very long time; a well established part of the valley, had
5 been here as far back as anybody can remember. We have
6 grown over the last ten years back, to a point where --
7 where we're about 20 to 30 percent, have more manpower than
8 we did ten years ago. During that same period of time, our
9 apprehensions have quadrupled and then quadrupled again.
10 We've gone from about 36,000 apprehensions a year in 1988 up
11 to 236 apprehensions a year with only about a 30 percent
12 increase in manpower. That means we're very business here.

13 At the same time, we're catching anywhere from 40
14 or 50 up to more than 100 million dollars a year in illegal
15 drugs and narcotics, alien-smuggling cases, more
16 prosecutions cases than ever before. And we expect to add
17 somewhere between 100 to 140 new additional Border Patrol
18 agents during the next fiscal year, '99.

19 The area of El Centro Border Patrol covers all the
20 way from the San Diego County line in the West over to
21 roughly the state line, Colorado River. It's actually just
22 a little bit this side of it. And then it encompasses all
23 of the Imperial County and Riverside County. So basically,
24 we're the Imperial Valley Border Patrol.

25 We have four Border Patrol stations located here

1 in the Imperial Valley. There's one at Calexico which has
2 just a little over 200 agents right now. There's one at El
3 Centro, California, which has about 160, 165 agents right
4 now. There's a very small station at Indio, California, and
5 another small Border Patrol station at Riverside,
6 California. So we cover the entire Imperial Valley.
7 Without going into any long-winded great detail, that's
8 basically it.

9 We expect to be doing more and more joint
10 operations with JTF-6 over the next several years, and we've
11 offered participation and offer our support any way we can.
12 Now, I'd like to -- that kind of sums up my very short
13 welcome speech.

14 I'd like to introduce Dominick Chambers, Assistant
15 Chief of the Border Patrol in their Special Coordination
16 Center in El Paso, Texas.

17 DOMINICK CHAMBERS: Thank you, Tom.

18 The Border Patrol Special Coordination Center is
19 an element of our headquarters in Washington, D.C.

20 The history of the Border Patrol: It was first
21 organized by the Commissioner General of Immigration in
22 1904, and originally we were termed "Border Guards." In
23 1924, the Bureau of Immigration was established. The Border
24 Patrol was established by the Bureau of Immigration, and was
25 originally part of the Department of Labor. And then in

1 1940, INS became part of the Department of Justice.

2 As you can see, we're pretty well spread
3 throughout the country. Where you see the yellow diamonds,
4 for the most part, they indicate Border Patrol sectors, with
5 the exception of Charleston, Glynco, and Artesia, and those
6 are areas where we have our academies located.

7 The basic academies are located in Charleston,
8 South Carolina, and Glynco, Georgia, and our advanced
9 training academy is located in Artesia, New Mexico. And, of
10 course, our headquarters is located in Washington, D.C.

11 The mission of the Border Patrol is to secure the
12 external boundaries of the United States by preventing or
13 deterring illegal entry; detecting, interdicting, and
14 apprehending undocumented entrants, smugglers, narcotics,
15 contraband, and violators of other laws. And the Border
16 Patrol has been designated as the lead agency responsible
17 for drug interdiction on the border between the ports of
18 entry.

19 We have accomplished this through various types of
20 operations. Linewatch and sign cutting -- that's where we
21 go out and physically track illegal entrants that come into
22 our country illegally.

23 We also have checkpoints, traffic checkpoints.

24 We have -- we perform transportation check, which
25 means that we have a transportation check unit generally

1 located at large airports, international airports. We have
2 transportation check function at bus stations, sometimes
3 train stations. We also do check regular freight yards,
4 rail freight yards, along the border.

5 We have air operations. We have helicopters and
6 fixed-wing aircraft to assist us in our linewatch functions.

7 We have marine patrol, which is, of course, our
8 boat patrol. We patrol -- the Miami sector has a boat
9 patrol that patrols the coastline. We have other sectors
10 with the Inland Waterways.

11 We have a horse and bike patrol and we have a
12 canine program which assists us in locating drugs which are
13 concealed and attempted to be smuggled into the United
14 States.

15 Our strategy consists of a national plan which
16 calls for "Prevention Through Deterrence." We have a
17 multiyear approach which involves what we call "Gain,
18 Maintain, and Extend Control."

19 Our operational focus right now is along the
20 southwest land border because that's where the majority of
21 our activity is taking place presently. We have --
22 presently in El Paso we have an operation called Hold the
23 Line. Other initiatives are called Operation Gatekeeper,
24 which involves the San Diego Sector, El Centro, and Yuma;
25 Operation Safeguard in the Tucson Sector; and Operation Rio

1 Grande, which involves Marfa, Del Rio, Laredo, and McAllen,
2 Texas.

3 This gives you an idea of what our apprehension
4 rate is. As you can see, the snapshot here is for October
5 through May. If you look at fiscal year '97 and compare it
6 to fiscal year '98, you can see that our Operation
7 Gatekeeper has been somewhat effective in the San Diego
8 area. But let's take a look at El Centro specifically.
9 Because of the emphasis that's been placed on the San Diego
10 area, you can see just for that period, October through May,
11 apprehensions doubled, just about doubled, in the El Centro
12 area between fiscal year '97 and '98.

13 This gives you an idea of what our Southwest
14 border staffing levels are. Specifically, let's take a look
15 at El Centro. You can see that El Centro has been kind of
16 cyclic in their strength level. '92, they had 613 agents,
17 and '94, we were down to 185. Of course, this is only good
18 through July. But as of July of this year, officially there
19 were 349 agents assigned to the El Centro Sector.

20 The Border Patrol is the first line of defense or
21 the designated primary agency for the drug enforcement
22 between the ports of entry.

23 Some of the significant achievements in the
24 Nation's counterdrug strategy: Border Patrol seizes -- has
25 seized 52 percent of all marijuana seizures by federal

1 agencies in fiscal year '97.

2 This will give you a look at some of our Southwest
3 drug seizures. These are incidents, I guess you could say,
4 or seizure events. And it's interesting to note again the
5 cyclic nature of these events. Fiscal year '93, 184 events
6 in the El Centro Sector; and then fiscal year '95, 394; '96,
7 419. Of course, this is through July we're showing 134.

8 And I believe the reason that we're seeing a
9 decrease is because we have more manpower out there, and
10 it's known. The smugglers know this. As our resources
11 grow, they look for softer areas.

12 This is an indication of the amount of marijuana
13 seized in various years. Fiscal year '96, looks like it was
14 a banner year; looks like 75,000 pounds. Through June of
15 this year, 30,229 pounds. And actually, that doesn't take
16 into consideration the peak times, because from June on,
17 there's a harvest in marijuana. So we usually see more
18 seizures.

19 Cocaine seizures. Fiscal year '93, big year;
20 17,688 pounds of cocaine seized in the El Centro Sector.
21 And, of course, right now, this year through June, 921
22 pounds.

23 Here we have the value of the drug seizures. I
24 might add that the values that are associated with these
25 drug seizures is taken from data provided by the DEA.

1 Border Patrol doesn't just arbitrarily come up with a value
2 for the drugs we seized.

3 These are the nationwide seizures. You can see
4 that nationwide, the seizures have also gone down. And
5 there's a reason for that. And that is, as our -- first of
6 all, our partnership with JTF-6 has really enhanced our
7 ability to patrol and secure our southwest border. And as
8 our ability to interdict increased, the drug trafficking
9 organizations began to realize significant losses in
10 products, and they begin to move their product other than
11 across the southern border. They begin to move it back to
12 some of their traditional Caribbean routes. And right now
13 we also believe we're seeing a shift in the transient zone.

14 Marijuana seizures nationwide. This year looks
15 like, from a national perspective, it's going to be a banner
16 year, because these figures are through June. And as of
17 June, we had 705,715 seizures.

18 This is just an example of significant drug
19 seizures. These are not anything special that we pulled
20 out, just an example of what -- where we encounter on pretty
21 much a daily basis.

22 And as I said, our association with JTF-6 has been
23 very productive. We depend upon that association. We enjoy
24 a very good relationship with our military. The military
25 gains a training value from the assistance that they

1 provide. It also has allowed us to become more effective as
2 a federal agency in protecting and securing our borders.

3 Some additional drug seizures in August.

4 And that concludes my portion of the briefing. I
5 will now turn it over to Lt. Colonel Rossi.

6 LT. COLONEL MIKE ROSSI: Thank you.

7 I think we're the only 15 people not watching the
8 Padres and the Yankees tonight. Can't understand why we
9 don't have a bigger crowd.

10 My name is Lt. Colonel Mike Rossi, and I'm the
11 staff engineer for Joint Task Force Six. And what I'm going
12 to do tonight is talk to you about JTF-6's involvement in
13 the counterdrug fight.

14 By the end of the briefing, I hope you'll have an
15 understanding for our organization, our mission, and how we
16 support the law enforcement agencies in keeping drugs off
17 the streets in the United States, in keeping them out of our
18 communities.

19 Here's the sequence of the briefing today for me.
20 The first thing I'm going to do is talk to you about the
21 President's National Drug Control Policy and the strategy
22 and the goals that the President put forward. Then I'll
23 talk to you about the involvement by the Department of
24 Defense and Joint Task Force Six in fighting drugs. I'll
25 talk to you about Joint Task Force Six's mission, and then

1 outline for you the mechanics and the unique relationship
2 between the Joint Task Force Six and the Department of
3 Defense and the law enforcement agencies and every kind of
4 support we provide.

5 These statistics will provide you a broad overview
6 of the problem. You can see that illegal drug use is
7 responsible for a significant amount of crime and criminal
8 activity in the United States. It also poses a serious
9 public safety and public health problem for the government
10 at all levels.

11 The numbers will spell out that about \$83 billion
12 a year is spent by government agencies to combat
13 drug-related problems. 67 billion of it goes toward social
14 programs such as treatment and education, while the balance,
15 about 13 billion, is spent on local law enforcement efforts
16 each year.

17 All of this here is pretty intuitive. You can
18 tell that drugs impact on productivity in our work force,
19 disrupt our educational system. They have a significant
20 impact and adverse effect, as a matter of fact, on law and
21 order in our communities. They adversely affect our
22 families and our family structures, and they place a burden
23 on our national health care system.

24 Well, to address all these problems, the Office of
25 Drug Control Policy, working in the direction of the

1 President, formulated and published the National Drug
2 Control Strategy. This defines our national plan to combat
3 drug use; it assigns goals and objectives to measure our
4 success and our efforts.

5 Here's the President's goals in the strategy
6 published in 1998. The Department of Defense and JTF-6
7 contribute to the attainment of these goals in a couple of
8 key areas: first, by providing support to law enforcement
9 efforts to reduce the drug-related crime and violence;
10 second, by shielding America's land, sea, and air frontiers;
11 and third, by helping to break the foreign and domestic
12 sources of supply. As you can see at the bottom of the
13 slide, the national objective is to reduce illegal drug use
14 and availability by 50 percent in the year 2007.

15 Joint Task Force Six is a joint -- is a Department
16 of Defense task force established in 1989 to provide support
17 to law enforcement agencies along the southwest border.
18 Since 1989, our duties and responsibilities have grown to
19 encompass the entire continental United States. Our main
20 focus of our support, however, remains on the four southwest
21 border states, where over 80 percent of our missions and
22 resources are applied.

23 The mission statement that we just recently
24 revised is written on the slide. And what I'll do is take a
25 minute to read it to you if you can't see it from your

1 seats.

2 "Joint Task Force Six synchronizes and integrates
3 Department of Defense operational, technological, training,
4 and intelligence support to drug law enforcement agencies'
5 counterdrug efforts in the continental United States to
6 reduce the availability of illegal drugs."

7 This slide shows you the specific legislation
8 Congress passed which established JTF-6. They also provide
9 the legal constraints under which we operate. In summary,
10 they authorize the Department of Defense to conduct training
11 exercises in drug-interdiction areas, provide support to
12 counterdrug efforts, and assist with detection and
13 monitoring of cross-border smuggling activities.

14 These are the restrictions under which the Joint
15 Task Force Six operates. First, we have to receive a
16 written request from law enforcement agencies. And in that
17 written request, we have to have a clearly articulated drug
18 nexus or drug linkage.

19 All Joint Task Force Six activities must comply
20 with the Posse Committatus Act, which prohibits the use of
21 U.S. Military forces for domestic police functions.

22 We may not violate the sanctity of the U.S.-Mexico
23 border.

24 We must follow the rules of engagement which allow
25 the use of force only in self-defense. Currently, no JTF-6

1 operations are authorized to carry weapons, and all security
2 is provided by the supported law enforcement agency.

3 We're prohibited from collection and maintaining
4 of information on U.S. persons. We undergo independent
5 intelligence oversight inspections routinely to ensure
6 compliance with this restriction.

7 We may conduct no operations on private land
8 unless the private land owner has given us express written
9 permission to conduct those operations.

10 Our funds can only be expended on counterdrug
11 support.

12 And lastly, ground missions, which I describe
13 later, are currently under suspension by order of the
14 Secretary of Defense. We still provide a wide -- a wide
15 range of operational, training, engineer, and general
16 support to the law enforcement agencies.

17 This is the bottom line executive summary on what
18 I've just talked to you about. Basically, we provide
19 support to armed police. We do not search people or
20 property, and we do not seize contraband or make arrests.

21 This is the support cycle. After the law
22 enforcement agency generates the support, gets an idea in
23 their mind of how the Joint Task Force Six can help them in
24 doing their job, they forward that request to Operation
25 Alliance. That's an agency made up of federal, state, and

1 local law enforcement representatives who validate the
2 counterdrug nexus and provide us with our working
3 priorities.

4 Then Joint Task Force Six conducts its own
5 independent legal review. And once the mission is approved
6 by our command group, we solicit for volunteer units or ask
7 military units in the continental United States if they
8 would like to do the mission.

9 The units sign up for the training benefit they
10 receive, and this training benefit is supposed to closely
11 match the kind of missions they would do if deployed in a
12 similar scenario. For example, engineers which would
13 normally build roads or put up fences or obstacles for us in
14 a scenario outside the United States with voluntary
15 permission, that kind of thing.

16 The mission is planned, briefed for approval by
17 Joint Task Force Six and the law enforcement agency, and
18 then we give formal orders for the unit at this time to
19 begin the mission. After each operation, we conduct an
20 after-action review to make sure that we captured all the
21 valuable lessons learned.

22 These are the kind of operational missions we do.
23 The first three missions -- ground observation and
24 reconnaissance, aerial observation and reconnaissance, and
25 ground maritime sensors -- are basically the same kind of

1 missions except conducted by different means. What these
2 all do is they put observation on suspected smuggling
3 routes, suspected areas in which we think that there might
4 be marijuana plants or meth labs or drug activity going on.

5 In the first, we do that with people on the
6 ground, ground observation or reconnaissance. This
7 particular mission is currently under suspension by the
8 direction of the Secretary of Defense.

9 The second, we do by means of aerial observation,
10 by helicopters or unmanned aerial vehicles. And what these
11 vehicles or these aircraft do is report what they see down
12 to the law enforcement agent or the Border Patrol agent.
13 Then they conduct the arrest or make the seizure or make the
14 investigation.

15 Ground sensors are, likewise, monitoring a pathway
16 or an area by electronic means. And these missions right
17 now are currently under suspension by the Secretary of
18 Defense.

19 We also provide medical evacuation or
20 transportation of supplies and equipment.

21 Controlled delivery is best explained by an
22 example, and here would be the example. The law enforcement
23 agency, the Border Patrol, the Customs agent, would make a
24 seizure, for example, at the border. In order to carry
25 through or to continue the arrest or to develop the arrest,

1 what they would do is ask Joint Task Force Six to transport
2 the contraband, to transport the vehicle to the intended
3 destination. So if the truck was captured in El Paso or in
4 El Centro, maybe its destination would have been for Los
5 Angeles or Minnesota, Joint Task Force Six would provide
6 military access to move that load to the intended location,
7 in which the police would then arrest, make seizures to the
8 people that were meeting -- supposed to meet the load on the
9 other end.

10 At no time do we violate the chain of custody.
11 The law enforcement agent is always present at the load, and
12 the chain of custody of the evidence is maintained.

13 Joint Task Force Six conducts a wide range of
14 assessment services to include project design, surveys, cost
15 estimating, environmental assessments, and master planning
16 of infrastructure.

17 Our primary construction missions are border
18 roads, fences, lights, mostly between the ports of entry all
19 along the southwest border. Our training and operational
20 facilities, such as small-arms ranges, aviation support
21 facilities, perhaps Border Patrol checkpoints, and other
22 structures, are also part of the engineers in support of the
23 LEA.

24 Mobile training teams are small groups of subject
25 matter experts requested by law enforcement to provide

1 classroom and practical instructions. As the slide shows,
2 we do about 150 training teams a year in things like
3 medical, training medevacs, firearms, intelligence,
4 language, and planning techniques.

5 Specialized training is coordinated also by Joint
6 Task Force Six, but it's provided by the U.S. MP School. An
7 example of this would be tactical police operations and
8 special reaction team techniques.

9 This is our last slide; this is my last slide. It
10 tells you that Joint Task Force Six is a dedicated
11 organization drawn from all four services, committed to the
12 service of our nation and committed to supporting our LEA's
13 in the counterdrug effort.

14 This concludes my formal briefing. I will be
15 followed by Chris Ingram, who will talk to you about the
16 process we'll follow in the National Environmental Policy
17 Act.

18 Thank you.

19 CHRIS INGRAM: Thank you, Colonel Rossi.

20 As Colonel Rossi, said my role tonight is to give
21 a little briefing on the National Environmental Policy Act,
22 or NEPA, as it's commonly called.

23 It was first passed by Congress in 1969. It
24 requires that whenever a federal agency is to undertake a
25 project that we will commit significant resources to that

1 project, they have to prepare a NEPA document.

2 A NEPA document is three-fold -- has a three-fold
3 purpose. It provides full public disclosure for that action
4 and the anticipated impacts. It provides the public an
5 opportunity to participate in the decision-making process
6 and provides a sound objective data to the decision maker so
7 they can make a better and informed decision.

8 Usually three levels of environmental
9 consideration under NEPA: categorical exclusion;
10 environmental assessment; and then the third, environmental
11 impact statement, which is, of course, what we're going to
12 be covering under this scenario. And whenever an EIS is
13 prepared, NEPA and the Council on Environmental Quality
14 requires that the scoping process be conducted, which, of
15 course, is why we're here tonight.

16 To tell you a little bit about the NEPA process
17 for an EIS: first of all, of course, the federal agency
18 identifies the need, and then possible actions or
19 alternatives that would satisfy that need or resolve an
20 issue.

21 The Notice of Intent to prepare the EIS is then
22 published in the Federal Register, which initiates public
23 scoping. The draft is then prepared and submitted to the
24 public for review and comment, after which we will
25 incorporate any comments or revisions that are necessary and

1 prepare the final EIS, which will again be issued to the
2 public for review and comment. Then the Record of Decision
3 is published.

4 Currently, INS and JTF-6 are complying with NEPA
5 in several different ways. First of all, in 1994 the
6 Programmatic EIS, which covered all their activities along
7 the southwest border states, was prepared. And, as in this
8 case, it covered their entire program for a five-year
9 period. Since then they have been preparing site- or
10 project-specific environmental assessments which have been
11 tiered to that 1994 Programmatic EIS. They do that anytime
12 a project is identified.

13 Most of those have require cultural and biological
14 surveys, and many of the actual participation in the
15 engineering actions have required on-site monitoring for
16 cultural and biological resources to insure that no
17 significant impact to those resources occur.

18 All of these documents have had to comply with
19 various federal and state regulations and statutes and -- as
20 well as executive orders.

21 As I mentioned, we prepared a Programmatic EIS in
22 1994. The window for that '94 document is coming up in late
23 1999. And so INS and JTF-6 have elected to get started
24 early so that they can supplement and update that
25 Programmatic EIS.

1 The Supplemental Programmatic EIS will be
2 formatted in similar fashion to the 1994 document in that
3 the baseline conditions or significant conditions will be
4 presented in five separate volumes as shown here. Most of
5 the attention will focus along a 50-mile corridor along the
6 U.S.-Mexico border, although all of the activities within
7 the continental U.S. will be addressed within the EIS.

8 Some of the goals for the Programmatic EIS will be
9 to identify the types of action that INS and JTF-6 expect in
10 the next five years. We'll discuss in generic terms impacts
11 that are expected from those types of actions. Again, we
12 won't be able to identify projects specific, locations
13 specific, and actions in this EIS. Those will be done later
14 on in site-specific NEPA documents. But we will prepare and
15 discuss cumulative facts that we had projected back in '94,
16 see what's really happened, and then use that to extrapolate
17 out to what we expect to happen in the next five years.

18 Benefits is that it's going to eliminate a lot of
19 repetitive discussions, thereby saving time and costs to the
20 taxpayers. Again, we're going to compare the cumulative
21 impacts that we get projected in '94 and extrapolate out so
22 that we can provide a more accurate impact analysis to the
23 decision makers for the next five years.

24 I want to emphasize, though, that this will not
25 allow carte blanche to INS and the JTF-6. They will still

1 have to comply with NEPA, Endangered Species Act, National
2 Historic Preservation Act, and any environmental -- federal
3 or state environmental statute prior to undertaking an
4 action.

5 Our schedule for the PEIS, a couple of highlights
6 here. Notice of Intent, as I mentioned a while ago, is to
7 be published. It was published in the Federal Register
8 August 28th, which initiated our public scoping process.
9 We're accepting comments up until December 16th, and we hope
10 to have a draft EIS out in February of '99 with, hopefully,
11 a Record of Decision in November 1999, prior to the closing
12 of the '94 EIS.

13 That concludes my presentation. I want to turn
14 the podium back over to Ron Ruffenach.

15 RON RUFFENACH: Thank you, Chris.

16 Just for the record, the meeting this evening is
17 in fact being documented by a court reporter, and the
18 transcript of tonight's meeting will become part of the
19 permanent record.

20 Also mentioned that this is the sixth in a series
21 of ten meetings that are being held, public scoping meetings
22 that are being held along the southwest border. There are
23 four more meetings, the next one scheduled for San Diego,
24 Thursday evening of this week.

25 At this time we would typically ask for public

1 comments, because, again, an important part of the scoping
2 meeting is, in fact, to take public comments. And then, if
3 I'm correct, no one has preregistered to speak. However, I
4 will ask if there is anyone who would like to make a
5 comment, they may do so now.

6 With that in mind, since I have no one who wants
7 to make a comment, I will remind everyone that the public
8 comment period ends December 16th and that written comments
9 can be provided to the address shown on the handout that was
10 at the registration table.

11 Not hearing anything else from the floor, thank
12 you very much for coming this evening, and that officially
13 closes our public scoping meeting.

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1 C E R T I F I C A T E

2

3 STATE OF CALIFORNIA)
4) ss.
5 COUNTY OF ORANGE)

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8 BE IT KNOWN that the foregoing hearing was taken
9 before me, CAROL McDONALD, a Certified Shorthand Reporter in
10 and for the State of California; taken down by me in
11 shorthand and thereafter reduced to print under my
12 direction; that the foregoing pages are a true and correct
13 transcript of all proceedings had upon taking, all done to
14 the best of my skill and ability.

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CAROL McDONALD, CSR, RPR
CSR No. 11548 (CA)

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